

Instructions For Filing A Statutory Protest Petition

For Amendment of Zoning Boundaries

1. **Form.** The petition shall be completed in full on forms provided by the Department of Planning and Community Development, and shall conform to NCGS 160A-385 and 160A-386, as amended. See page 2 of 3 item 2(A) and (B).
2. **Submission Deadline.** The petition shall be submitted **to the City Clerk's Office**, located in the Municipal Building, 201 Martin Luther King Drive, by 5:00 p.m., at least two (2) normal working days, excluding Saturdays, Sundays and legal holidays, before the date established for public hearing on the proposed change or amendment. The original advertised public hearing date shall control in the event the request is continued by City Council to a subsequent hearing date. Typically, a protest petition must be filed with the City Clerk not later than 5:00 p.m. on the Monday preceding the regularly scheduled Thursday public hearing date. Specific submission deadlines can be obtained from the Planning Office.
3. **Qualified Property.** A protest petition may be filed by the owners of those lots located within the proposed rezoning area or by the owners of those lots located within one hundred feet (100') of the proposed change. Individually submitted petitions will be combined and treated as a single petition for purposes of validation.
4. **Signature(s).** The signature of all persons having a legal interest in each qualified property must sign the petition (i.e. husband and wife, partners, etc.). Persons signing on behalf of a corporation or by power of attorney must submit documentation granting them authority to sign.
5. **Notarization.** Each signature appearing on the petition shall be witnessed by a Notary Public.
6. **Validity.** A petition shall be considered valid if such petition is properly signed by the owners of 20% or more either of the qualified area included within the proposed rezoning, or by the owners of 20% or more of the qualified area on any one side of and within one hundred feet (100') of the proposed change. Public street right-of-ways shall not be included in or count toward any distance or qualified area calculation. See NCGS 160A-385. Changes, page 2 of 3 item 2(A).
7. **Amended Rezoning Petition.** The petition, if valid as to form and effect, will apply to any change in zoning for the subject tract under the current rezoning petition. The petition shall also apply to amended requests under the current rezoning petition unless such protest petition is withdrawn in person or in writing, by notarized signature of the protest petitioner(s), in total or validating part prior to Council action.
8. **Multiple Tract/Zoning Classification Requests.** When a rezoning application property, involving two (2) or more contiguous tracts of same or different zoning classification, is proposed for change to one (1) zoning classification the several tracts shall be construed as one (1) tract for purposes of determining the qualified area.

When a rezoning application property, involving two (2) or more contiguous or separate tracts of same or different zoning classification, is proposed for change to several different zoning classifications each separate proposed zoning classification area shall be construed as an individual rezoning request for purposes of determining the qualified area.
9. **Voting Requirement.** When a petition has been properly submitted and validated the proposed zoning amendment shall not become effective except by favorable vote of three-fourths (5 of 6) of all the members of City Council.
10. **Expiration.** A valid protest petition shall expire with respect to a specific rezoning application upon final action of City Council on the rezoning request which is the subject of the petition.

Protest Petition, City of Greenville, North Carolina

For City Clerk Use Only (Date Submitted: _____ Time Submitted: _____ Received by: _____)

1. The undersigned owner(s) of real property, pursuant to NCGS 160A-385 and 386, hereby oppose the following request to amend, supplement, change, modify or repeal the zoning regulations and restrictions or zoning boundaries as submitted by

_____ and amending the
Zoning Boundaries or Regulations from _____ to _____ for
the property located _____

_____ and further described by rezoning application # _____.

2. Statutory Requirement(s)

NCGS 160A-385. Changes.

- (A) Zoning regulations and restrictions and zone boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three fourths of all the members of the city council. The foregoing provisions concerning protests shall not be applicable to any amendment, which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise.

NCGS 160A-386. Protest petition; form; requirements; time for filing.

- (B) No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160A-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the City at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The City Council may by ordinance require that all protest petitions be on a form prescribed and furnished by the City, and such form may prescribe any reasonable information deemed necessary to permit the City to determine the sufficiency and accuracy of the petition.

3. Signature(s) (attach additional sheets as necessary, Please Print) **Note:** Each signature must be witnessed by a notary at the time of signing.

	<u>Property Owner(s)</u>	<u>Address</u>	<u>Signature</u>
1.	_____	_____	_____
	_____	_____	_____
2.	_____	_____	_____
	_____	_____	_____
3.	_____	_____	_____
	_____	_____	_____
4.	_____	_____	_____
	_____	_____	_____
5.	_____	_____	_____
	_____	_____	_____
6.	_____	_____	_____
	_____	_____	_____
7.	_____	_____	_____
	_____	_____	_____

North Carolina
Pitt County

I, _____, a Notary Public in and for the aforesaid County and State, do hereby certify that the person(s) whose signature(s) appear on this protest petition appeared before me this day and executed the foregoing instrument.

WITNESS my hand and Notarial Seal, this the _____ day of _____, 20____.

Seal

Notary Public

My Commission Expires